

## Agricultural Marketing Service, USDA

## § 920.302

fifth day of the month following such shipment, or such other later time established by the committee: *Provided*, That each shipper who ships less than 10,000 trays, or the equivalent thereof, per fiscal year and has qualified with the committee shall furnish such report of shipment and inventory data to the committee twice per fiscal year. The first report shall be due no later than January 5 and the final report no later than the fifth day of the following month after such shipment is completed for the season, or such other later times established by the committee. Such report shall show:

- (1) The reporting period;
- (2) The name and other identification of the shipper;
- (3) The number of containers by type and weight by shipment destination category;

(b) *Kiwifruit Inventory Shipping System (KISS) form*. Each handler, except such handlers that ship less than 10,000 trays, or the equivalent thereof, per season and have qualified with the committee, shall file with the committee the initial Kiwifruit Inventory Shipment System (KISS) form, which consists of three sections "KISS/Add Inventory," "KISS/Deduct Inventory," and "KISS/Shipment," on or before December 5th, or such other later time as the committee may establish.

(c) *Handler report of returned fruit*. After fruit is returned to a grower, each handler shall file with the committee, no later than five days from the date the fruit is returned, or such other time as the committee may es-

tablish, a Return Receipt of Kiwifruit to Grower Form.

[50 FR 4856, Feb. 4, 1985, as amended at 52 FR 37130, Oct. 5, 1987; 59 FR 53565, Oct. 25, 1994; 61 FR 51576, Oct. 3, 1996; 67 FR 54332, Aug. 22, 2002]

### § 920.213 Assessment rate.

On and after August 1, 2005, an assessment rate of \$0.045 per 9-kilo volume-fill container or equivalent of kiwifruit is established for kiwifruit grown in California.

[70 FR 56563, Sept. 28, 2005]

### § 920.302 Grade, size, pack, and container regulations.

(a) No handler shall ship any kiwifruit unless such kiwifruit meet the following requirements:

(1) *Grade requirements*. Fresh shipments of kiwifruit shall be at least KAC No. 1 quality.

(2) *Size Requirements*. Such kiwifruit shall be at least a minimum Size 45. Size 45 is defined as a maximum of 55 pieces of fruit in an 8-pound sample.

(3) *Maturity requirements*. Such kiwifruit shall have a minimum of 6.2 percent soluble solids at the time of inspection.

(4) *Pack Requirements*. (i) Kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed. Such fruit shall be fairly uniform in size.

(ii) (A) Kiwifruit packed in any container shall be subject to the size designation, maximum number of fruit per 8-pound sample, and the size variation tolerance specified as follows:

SIZE DESIGNATION AND SIZE VARIATION CHART

Column 1 size designation	Column 2 maximum number of fruit per 8-pound sample	Column 3 size variation tolerance (diameter)
18 or larger .....	25	1/2-inch (12.7 mm).
20 .....	27	1/2-inch (12.7 mm).
23 .....	30	1/2-inch (12.7 mm).
25 .....	32	1/2-inch (12.7 mm).
27/28 .....	35	1/2-inch (12.7 mm).
30 .....	39	1/2-inch (12.7 mm).
33 .....	43	3/8-inch (9.5 mm).
36 .....	46	3/8-inch (9.5 mm).
39 .....	49	3/8-inch (9.5 mm).
42 .....	53	3/8-inch (9.5 mm).